

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4190

BY DELEGATES R. PHILLIPS, REYNOLDS,
MARCUM, HARTMAN, WALTERS, SOBONYA,
MCCUSKEY, ELDRIDGE, P. WHITE, WELD AND
BATES

[Introduced January 21, 2016; referred to the
committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §5-30-1, relating to prohibiting state agencies and departments from acting
 3 outside their statutory scopes of authority.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 article, designated §5-30-1, to read as follows:

ARTICLE 30. SCOPE OF AUTHORITY.

§5-30-1. Limitations on agencies and departments.

1 No state agency or department may go beyond the scope of its statutory authority or
 2 otherwise infringe upon an area regulated by another agency or department, including, but not
 3 limited to, the promulgation of rules, the issuance of permits and placing restrictions on the entities
 4 it lawfully regulates.

NOTE: The purpose of this bill is to prohibit state agencies and departments from acting outside their statutory scopes of authority.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.